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Ronald L. Wilson, Director
Health Assessment Policy Staff
Office of Health Affairs (HFY-20)
Food and Drug Administration
5600 Fishers Lane, Room 11-44
Rockville, MD 20857

RE: Exosurf
FDA Docket No. 90E-0343

Dear Mr. Wilson:

Transmitted herewith is a copy of the application for Patent Term Extension of U.S. Patent No. 4,312,860 issued January 26, 1982. The application was filed on October 1, 1990, under Title II of Public Law 98-417, the Drug Price Competition and Patent Term Restoration Act of 1984.

The patent claims a product that was subject to regulatory review under the Federal Food, Drug and Cosmetic Act. Subject to final review, the subject patent is considered to be eligible for patent term restoration. Thus, a determination of the applicable regulatory review period is necessary. Accordingly, notice and a copy of the application are provided pursuant to 35 USC 156(d)(2)(A).

C. E. Van Horn

Charles E. Van Horn
Patent Policy and Programs Administrator
Office of the Assistant Commissioner for Patents

cc: Lawrence A. Nielsen
Head, Patent Department
Burroughs Wellcome Co.
3030 Cornwallis Road
Research Triangle Park, NC 27709